

### Remarks/Arguments

Claims 24 and 36 remain in this application. Claims 25- 27 has been canceled.

Claims 24 and 36 have been rejected under 35 USC 103(a) over EP 319,701 in view of US 4,614,585 (Mehla et al). The Office Action states that the EP reference teaches all the elements of the claims except for the elastomeric seal and that it would have been obvious from Mehra et al to use its teaching of an elastomeric seal in the invention of the EP reference in order have a more effective seal of Mehra et al.

Applicant disagrees.

The EP reference uses a one piece device (F shown in the drawings as a single continuous piece of material) having three segments, 1a (above the filter), 1b (below the filter and tapering toward the outlet) and an outlet portion 1c. Two support pieces that are separate and distinct from device are inserted into the channel of the device. Between the two support pieces is a filter. This filter may either be clamped by its edges between the two support pieces or alternatively it may be loosely inserted between them. (page 6, line 12-14 of the English translation). The two support pieces are secured to the interior of the device either by mating threads as in the embodiment of Figure 1 or by a recess as shown in the embodiment of Figure 2 into which the support pieces and filter are snap fit.

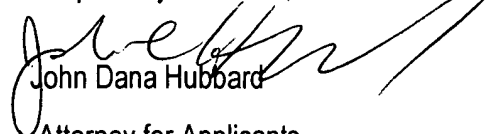
Mehra et al. is cited for its use of a gasket between the membrane and the inlet piece (14) of the device. The gasket forms two seals, a seal between the inlet piece and the membrane and a second seal between the inlet piece and the separate support plate (16) below the membrane. (Column 2, lines 54-66).

It would not have been obvious to one of ordinary skill in the art to use a gasket of Mehra et al in the device of the EP reference. The EP reference either uses the two support pieces to clamp the filter edge or the filter is loosely inserted into the space formed between the two support pieces. There is no teaching or suggestion that a better seal is required or desired. To the contrary, there is an embodiment where no seal seems to be needed (loosely fit in between the two support pieces). One of ordinary skill in the art from reading the EP reference would not have been motivated to consider seeking out the gasket of Mehra et al as it is not needed nor does it seem provide any benefit to the device of the EP reference.

Even if the seal were deemed to be obvious, which Applicant does not concede, the use of the ratio to create a concave surface that conforms to the wet state of the membrane is neither taught nor obvious from the cited art. This allows for a very specific fit of the membrane so that it is fully supported in use. Additionally as claimed in Claim 36, this fit is such that there are no creases formed in the membrane which enhances the filtration and prevents any damage to the membrane during use. A wide variety of concave surfaces are possible. There is no teaching or suggestion that one use the profile currently claimed and which provides an unexpected advantage in the use of the device

Reconsideration and allowance are respectfully requested in view of the foregoing amendment and remarks.

Respectfully submitted,



John Dana Hubbard

Attorney for Applicants

Reg. No. 30, 465

April 12, 2004  
Millipore Corporation

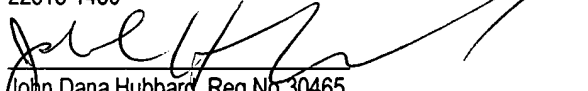
290 Concord Road  
Billerica, Massachusetts 01821  
Tel.: (978) 715-1265  
Fax: (978) 715-1382

**Certificate of Mailing/Transmission (37 CFR 1.8)**

I hereby certify that this correspondence is, on the date shown below, being:

**Mailing**

☒ deposited with the United States Postal Service with sufficient postage a first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
\_\_\_\_\_  
John Dana Hubbard, Reg No 30465  
Date: April 12, 2004

**Facsimile**

☐ transmitted by facsimile to the Patent and Trademark Office at (703)\_\_\_\_-\_\_\_\_.

\_\_\_\_\_  
John Dana Hubbard, Reg No 30465  
Date: April 12, 2004